

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Criminal No. 3:19-cr-87-MHL
TAMMY A. LUEDECKE,	)	
	)	
Defendant.	)	

**PRETRIAL DIVERSION AGREEMENT**

Whereas it appears that on or about the date of February 14, 2019, in the Eastern District of Virginia, you committed the offense(s) of knowingly possessing or causing to be present a firearm in a federal court facility, in violation of provisions of the Title 18, United States Code, Section 930(e)(1).

Whereas after an investigation of the offense and your background, it further appears that your interests, those of the United States, and the interests of justice, will be serviced by your participation in the Department of Justice's Pretrial Diversion Program.

Upon your accepting responsibility for your behavior and by signing this Agreement, prosecution of this offense shall be deferred for a period of eighteen (18) months from the date of your signature, provided that during that time you abide by the conditions and requirements of the program set out below.

Should you violate these terms, the United States Attorney may do the following:

1. Revoke or modify any conditions of the Pretrial Diversion Program;
2. Initiate prosecution for this offense, before or after the above date, in which case the United States Attorney will furnish you with notice specifying the condition(s) of your program that you violated.

3. Complete temporary forfeiture of the firearm as set forth in the Forfeiture Addendum to the Pretrial Diversion Agreement

In any case, the United States Attorney may release you from supervision at any time.

If, upon completion of your period of supervision, a pretrial diversion report is received to the effect that you have complied with all the rules, regulations and conditions of your supervision, no prosecution for the offense(s) set out above will be instituted in this district. Furthermore, the government will then move to dismiss the Criminal Information pending in this case.

Neither this agreement nor any other document filed with the United States Attorney as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with a prosecution for the above-described offense(s).

#### **STANDARD CONDITIONS**

The following are standard conditions of Pretrial Diversion with which you must comply to successfully complete the program:

1. You shall not violate any law (Federal, state, or local). You shall immediately contact your United States Pretrial Services Officer if you are arrested and/or questioned by any law enforcement officer.
2. You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of any special program(s) described herein. In the absence of a special program, when out of work or unable to attend school, you shall immediately notify your United States Pretrial Services Officer. You shall consult with your United States Pretrial Services Officer prior to changing employment or schools.

3. You shall continue to live in this judicial district. If you intend to move from this District, you shall inform your United States Pretrial Services Officer for the appropriate transfer of supervision. The United States Attorney must approve all requests for relocation outside the district prior to relocation.
4. You shall follow any special condition(s) of the Program as set forth below.
5. You shall report to your United States Pretrial Services Officer as directed, and keep him/her informed of your whereabouts at all times.
6. You shall strive to achieve the described goals of the Pretrial Diversion Program, and you shall follow the instructions of your United States Pretrial Services Officer.

**SPECIAL CONDITIONS**

The following checked-off conditions are Special Conditions of Pretrial Diversion imposed in your case and with which you must comply to successfully complete the program:

- ☒ (a) You shall attend mental health counseling as directed by the pretrial diversion supervisor.
- ☒ (b) You shall not possess a firearm, destructive device, or other weapon.
- ☒ (c) You shall pay \$100 by the date of August 23, 2019 for the cost of the prosecution, which is to be paid in full within ninety (90) days from the signed date of this agreement.

Funds are to be made payable the "U.S. Department of Justice" in the form of a personal or certified check or money order. The USAO's Financial Litigation Unit (FLU) will be provided a copy of this agreement, your name, and mailing address. They will issue you a one-time ad hoc billing statement, which includes a payment coupon listing the DOJ Lockbox mailing address. The payment coupon is to be detached and sent with your payment. Your

payment, on its face, should reference the CDCS account number listed on the payment coupon. Should your payment be returned for insufficient funds, your USPO will be immediately notified and you will be expected to remedy your non-payment status forthwith. Further, should you anticipate moving to a new address within the ninety (90) day time frame after signing this agreement, you are to provide the FLU, in writing, evidence of your new address immediately so that you can receive your statement and pay this fee timely, thereby remaining in compliance with this agreement. The FLU's mailing address is listed below for purpose of address change notification only and is not to be used for mailing your payment:

United States Attorney Collection Unit  
Attn: Financial Litigation Unit  
101 W. Main Street  
Suite 8000  
Norfolk, VA 23510-1605

### **CONCLUSION**


In concluding this Agreement, I, Tammy A. Luedecke, assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Title 18, United States Code, Section 3162 and Rule 48(b) of the Federal Rules of Criminal Procedure provide that the court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the grand jury, filing an information, or bringing a defendant to trial.

I hereby accept responsibility for my behavior, and request that the United States Attorney for the Eastern District of Virginia defer any prosecution of me for violations of provisions of the United States Code, for a period of eighteen (18) months from the date of my signature. To induce him to defer such prosecution, I agree and consent that any delay from the

date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be necessary delay at my request, and I waive any defense to such prosecution on the grounds that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act, and the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of time this Agreement is in effect.



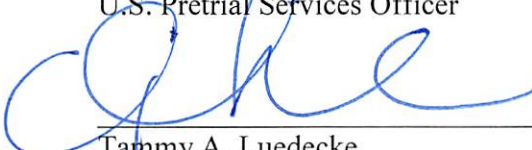
I hereby state that the above has been read and explained to me. I understand the conditions of my Pretrial Diversion Program, and I agree to comply with them.

  
Kenneth R. Simon, Jr.  
Assistant United States Attorney


6-19-19  
Date

  
Penelope Winsor  
U.S. Pretrial Services Officer

06/19/2019  
Date

  
Tammy A. Luedecke  
Signature of Divertee

6/19/19  
Date

  
Abraham Del Rio  
Counsel for Divertee

6-19-19  
Date